

### REMARKS

Applicant submits this Response in response to the Office Action mailed April 14, 2005. Applicant has amended claims 1, 10, 11 and 18. Claims 1-28 are currently pending. No new matter has been added.

In the Office Action, the Examiner rejected claims 1-9, 11-25 and 27-28 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0147811 to Schwartz et al. ("Schwartz") in view of U.S. Patent No. 6,665,388 to Bedingfield ("Bedingfield"). The Examiner also rejected claims 10 and 26 under 35 U.S.C. § 103(a) as being unpatentable over Schwartz in view of Bedingfield and further in view of U.S. Patent Application Publication No. 2003/0147518 to Albal et al. ("Albal"). Applicant respectfully traverses the rejection of these claims based on the following.<sup>1</sup>

#### Claims 1-9, 11-25 and 27-28

Independent claim 1 recites "[a] method for supplying calling party information to a called party" that includes:

- receiving by the gateway device, via the telephone network, signaling information representing a telephone call from the calling party to a telephone device associated with the called party, the signaling information comprising called party information;
- obtaining the calling party information based on the signaling information;
- determining whether a second device associated with the called party and separate from the telephone device is connected to the data network;
- storing the calling party information when the second device is not connected to the data network; and
- providing the stored calling party information to the second device associated with the called party from the gateway device via the data network when the second device becomes connected to the data network.

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<sup>1</sup> As Applicant's remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicant's silence as to certain requirements applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references) is not a concession by Applicant that such requirements have been met, and Applicant reserves the right to analyze and dispute such in the future.

Independent claims 11 and 18, although of different scope, contain recitations similar to those of claim 1.

The Examiner concedes that "Schwartz fails to teach providing calling party information on a second device associated with the called party." (Office Action, p. 3.) In order to cure this deficiency, the Examiner relies upon the description in Bedingfield. However, neither Schwartz nor Bedingfield describe a method that includes all of the elements of claim 1. For example, neither Schwartz nor Bedingfield describe a method that determines whether a second device associated with the called party and separate from the telephone device is connected to the data network, stores the calling party information when the second device is not connected to the data network, and provides the stored calling party information to the second device associated with the called party from the gateway device via the data network when the second device becomes connected to the data network. The absence of at least these elements of claim 1 from the descriptions in both the Schwartz and Bedingfield references indicates that claim 1 is patentable over these references.

For at least these reasons, Applicant believes claim 1 to be patentable over Schwartz and/or Bedingfield, whether taken alone or in combination. Claims 11 and 18, although of different scope, include elements similar to those discussed above with respect to claim 1, and therefore Applicant believes claims 11 and 18 to be patentable over Schwartz and/or Bedingfield as well. Accordingly, Applicants respectfully request that the rejections of claims 1, 11 and 18 under 35 U.S.C. § 103(a) be withdrawn.

Claims 2-9, 12-17, 19-25 and 27-28 are each ultimately dependent from one of independent claims 1, 11 or 18, and therefore include all of the limitations of these claims. As a result, Applicant believes claims 2-9, 12-17, 19-25 and 27-28 to be patentable over the Schwartz and/or Bedingfield references for at least the same reasons as claims 1, 11 and 18,<sup>2</sup> and respectfully

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<sup>2</sup> As Applicant's remarks with respect to the base independent claims are sufficient to overcome the Examiner's rejections of all claims dependent therefrom, Applicant's silence as to the Examiner's assertions with respect to dependent claims is not a concession by Applicant to the Examiner's assertions as to these claims, and Applicant reserves the right to analyze and dispute such assertions in the future.

requests that the Examiner withdraw the rejections of claims 2-9, 12-17, 19-25 and 27-28 under 35 U.S.C. § 103(a) as well.

Claims 10 and 26

Claim 10 recites a method that includes:

transmitting, by the user service center server, the caller identification information to an instant messaging server over an internet protocol data network;  
receiving, from the called party, an indication of one location, from among a plurality of locations, to which communications to the called party are to be directed;  
presenting the caller identification information to the called party by displaying an instant message provided by the instant messaging server on a second device associated with the indicated location; and  
attempting to connect the telephone call to a third device associated with the subscriber at the indicated location and separate from the second device.

The Examiner has conceded that "Schwartz fails to teach providing calling party information on a second device associated with the called party." (Office Action, p. 7.) The Examiner asserts that Bedingfield cures this deficiency, but further concedes that "Schwartz in view of Bedingfield fail to teach receiving, from the calling party, an indication of one location from among a plurality of locations, to which communications to the calling party are to be directed." (Office Action, p. 8.) The Examiner relies on Albal to show "enabling subscribers the ability to select where incoming calls are to be sent." (Office Action, p. 8.) However, none of these cited references, either alone or in combination, describe all of the steps of the method recited in claim 10. For example, none of the cited references include the steps of presenting the caller identification information to the called party by displaying an instant message provided by the instant messaging server on a second device associated with the indicated location, and attempting to connect the telephone call to a third device associated with the subscriber at the indicated location and separate from the second device. The absence of at least these elements of

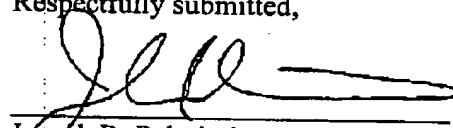
claim 10 from the descriptions in the Schwartz, Bedingfield and Albal references indicates that claim 10 is patentable over these references.

For at least these reasons, Applicant believes claim 10 to be patentable over Schwartz, Bedingfield and/or Albal, whether taken alone or in combination. Accordingly, Applicants respectfully request that the rejection of claim 10 under 35 U.S.C. § 103(a) be withdrawn. Claim 26 is dependent from claim 10, and therefore include all of the limitations of claim 10. As a result, Applicant believes claim 26 to be patentable over the Schwartz, Bedingfield and/or Albal references for at least the same reasons as claim 10 and respectfully requests that the Examiner withdraw the rejection of claim 26 under 35 U.S.C. § 103(a) as well.

**CONCLUSION**

In view of the foregoing, Applicant respectfully submits that the pending claims are in condition for allowance. Reconsideration and allowance are respectfully requested. If there are any outstanding issues which need to be resolved to place the application in condition for allowance, the Examiner is invited to contact Applicant's undersigned representative by phone at the number indicated below to discuss such issues. To the extent necessary, a petition for extension of time under 37 C.F.R. § 1.136 is hereby made, the fee for which should be charged to deposit account number 07-2347. With respect to this application, please charge any other necessary fees and credit any overpayment to that account.

Respectfully submitted,

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